

City of Fort Lauderdale Planning and Zoning Board**STAFF REPORT****Case 23-P-04****August 17, 2005**

Applicant	Altaire Village, LLC., et al.	
Request	Right-of-Way Vacation	
Location	N.E. 32 nd Street, between N.E. 32 nd Avenue and N.E. 33 rd Avenue	
Legal Description	A portion of N.E. 32 nd Street, a 110 foot Right-of-Way, as shown on the plat of Galt Ocean Mile, recorded in P.B. 34, P. 16, of the Public Records of Broward County, Florida.	
Property Size	Approximately 31,032 S.F. / 0.712 AC.	
Zoning	CB	
Existing Use	Existing Right-of-Way	
Future Land Use Designation	Commercial	
Comprehensive Plan Consistency	Consistent	
Other Required Approvals	City Commission, By Ordinance	
Applicable ULDR Sections	Sec 47-24.6 Vacation of Rights-of-Way	
Notification Requirements	Sign Notice, Mail Notice	
Action Required	Recommend approval or denial of the application to the City Commission	
Project Planner	Name and Title	Initials
	Ella Parker, Planner II	
	Authorized By	
	Gregory Brewton, Acting Planning and Zoning Deputy Director	
Approved By	Marc LaFerrier, AICP, Planning and Zoning Director	

Request:

This is a request to vacate a (approximately 110' wide by 282' long) section of N.E. 32nd Street located between N.E. 32nd Avenue and N.E. 33rd Avenue. The proposed right-of-way vacation is scheduled on this agenda to be reviewed simultaneously with the corresponding "Altaire Village" site plan (case no. 38-R-05).

Prior Reviews:

This application was reviewed by the Development Review Committee on October 26, 2004 and all comments have been addressed. The Property and Right-of-Way Committee reviewed the proposal on February 17, 2005 and it received a positive recommendation for vacation, with the provision that the applicant will be required to dedicate a public access easement (Minutes are attached as **Exhibit 1**). The applicant proposes to dedicate a 60.6' wide public access and utility easement on N.E. 32nd Street, which widens to approximately 93' at the intersection with N.E. 33rd Avenue (See **Exhibit 2**).

This request has been reviewed by the public franchise utilities and none of them have an objection to the proposed vacation, provided that any necessary easements are granted to their satisfaction, and that any existing utilities to be installed, removed or relocated are done so at the applicant's expense (Letters are attached as **Exhibit 3**).

Staff Determination:

The applicant has submitted a narrative outlining compliance with the criteria for the vacation of rights-of-way as listed in Sec. 47-24.6 (attached as **Exhibit 4**). Staff finds that the applicant has demonstrated compliance with the criteria and concurs with the applicant's assessment.

Should the Board approve the proposed vacation, the following conditions are recommended:

1. The applicant shall provide any necessary easements as required by the public franchise utility companies. Any utilities that are required to be installed, removed or relocated shall be done so at the applicant's expense, and as approved by the City Engineer.
2. The vacating ordinance shall be in full force and effect on the date a certificate executed by the City Engineer is recorded in the public records of Broward County, Florida. This certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.
3. The applicant shall reimburse the City of Fort Lauderdale's Parking and Fleet Services Department for the lost meter and citation revenue for the duration of time that the meters are removed during construction as approved by the Director of Parking and Fleet Services Department.
4. Final DRC approval.

Planning & Zoning Board Review Options:

1. If the Planning and Zoning Board determines that the proposed vacation meets the criteria for right-of-way vacation and recommends approval of the vacation, the recommendation shall be forwarded to the City Commission for consideration.
2. If the Planning and Zoning Board determines that the criteria for right-of-way vacation have not been met, the Board shall deny the application and the procedures for appeal to the City Commission as provided in Section 47-26B, Appeals shall apply.